

**BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA**

**DOCKET NO. 2019-74-E**

**IN RE:**

**Charles Hawkins,  
Complainant/Petitioner,**

**v.**

**Duke Energy Carolinas, LLC,  
Defendant/Respondent.**

**Duke Energy Carolinas, LLC's  
Motion to Dismiss**

Pursuant to S.C. Code Ann. § 58-27-1990, S.C. Code Ann. Regs. 103-829 and 103-352, and applicable South Carolina law, respondent, Duke Energy Carolinas, LLC (“DEC” or the “Company”) hereby moves the Public Service Commission of South Carolina (the “Commission”) to dismiss the above-captioned matter on the merits because it fails to adequately allege any violation of an applicable statute or regulation with respect to DEC’s handling of Complainant’s account, and a hearing in this case is not necessary for the protection of substantial rights. The Company requests confidential treatment of Exhibits A and B, pursuant to S.C. Code Ann. Regs. 103-840(S)(2), on the basis that they contain confidential, customer-specific account information. The Company also requests that the filing deadlines for all parties and the hearing date be held in abeyance until this motion is resolved. In support of its motion, DEC shows the following:

**BACKGROUND**

On August 6, 2018, Mr. Hawkins filed a complaint in Docket No. 2018-258-E requesting that the Commission order the Company to continue to provide electric service and to accept partial payments for such service (“First Complaint”). On September 26, 2018, the Commission issued

Order No. 2018-646, which dismissed Mr. Hawkins' First Complaint and encouraged the Company to continue to engage in good faith efforts to work with Mr. Hawkins. On February 20, 2019, Mr. Hawkins filed the instant Complaint, which requests that Commission order the Company to transfer his electric service account to his wife's name, Mrs. Travius Hawkins. Exhibit A to this motion is the affidavit of Ted Allen, Senior Consumer Affairs Specialist for Duke Energy Carolinas, LLC, which provides customer-specific account information. Exhibit B to this motion shows the three-year billing and payment history associated with Complainant's account. The Company respectfully requests confidential treatment of these exhibits, which contain customer-specific account information.

### **ARGUMENT**

DEC requests that the Complaint be dismissed pursuant to S.C. Code Ann. § 58-27-1990, which allows the Commission to dismiss a complaint if it determines that "a hearing is not necessary in the public interest or for the protection of substantial rights." Complainant fails to allege any violation of an applicable statute or regulation with respect to DEC's billing or handling of his account.

In the Complaint, Mr. Hawkins requests that the Commission order the Company to transfer his electric service account into his wife's name, Mrs. Travius Hawkins. In order to transfer service into Mrs. Hawkins name, Mrs. Hawkins would need to submit an application for electric service to the Company. Further, given the status of the account, as described in Exhibit A, such application would be denied until the outstanding debt is satisfied. S.C. Code Ann. Regs. 103-342(k) provides that "[n]o electrical utility shall be required to furnish its service or to continue its service to any applicant who, at the time of such application, is indebted or *any member of his household is indebted*, under an undisputed bill to such electrical utility for service

previously furnished such applicant or furnished any other member of the applicant's household.” (Emphasis added). Given the history and status of this account, the Company is unable, at this time, to transfer the account as requested.

Although DEC has been responsive and flexible with respect to Mr. Hawkins' requests, the Company is unable to transfer the account at this time. DEC respectfully requests that the Complaint be dismissed because it fails to adequately allege any violation of an applicable statute or regulation with respect to DEC's handling of Mr. Hawkins' account. Consistent with S.C. Code Ann. § 58-27-1990, the Company submits that a hearing is not necessary for the protection of substantial rights in this case.

### **CONCLUSION**

DEC has been responsive and flexible with respect to Mr. Hawkins' account. Complainant fails to adequately allege any violation of an applicable statute or regulation with respect to DEC's handling of Complainant's account, and a hearing in this case is not necessary for the protection of substantial rights. Therefore, this matter should be dismissed

WHEREFORE, DEC moves the Commission to dismiss the Complaint with prejudice; grant confidential treatment of Exhibits A and B; hold the testimony deadlines for all parties and the hearing in abeyance pending resolution of this motion; and grant such other relief as the Commission deems just and proper.

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s/Samuel J. Wellborn

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Columbia, South Carolina

March 8, 2019

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**EXHIBIT A**  
**AFFIDAVIT OF TED ALLEN**  
**SENIOR CONSUMER AFFAIRS SPECIALIST**  
**DUKE ENERGY CAROLINAS, LLC**  
**CONTAINS CONFIDENTIAL, CUSTOMER INFORMATION**  
**FILED UNDER SEAL**

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**EXHIBIT B**  
**BILLING AND PAYMENT HISTORY**

**CONTAINS CONFIDENTIAL, CUSTOMER INFORMATION**  
**FILED UNDER SEAL**